Biden Moves to End Trump's War on 'Sanctuary Cities'

Posted by Katy Murdza | May 4, 2021 | Enforcement, Interior Enforcement, State and Local

The Biden administration has ended a Trump-era policy of denying so-called sanctuary cities from receiving certain forms of federal funding. The policy had been used in retaliation against local and state governments who did not cooperate

fully with federal immigration enforcement. Many courts had already ruled against these funding restrictions.

There is no set definition of a sanctuary policy. Many cities, counties, and states have some type of policy limiting law enforcement's cooperation with federal immigration enforcement. The purposes of these policies vary. They can be used to improve trust between law enforcement and immigrant members of the community, prioritize resources, or shield the jurisdiction from liability. They are often called "sanctuary policies" by those who oppose them.

In early 2017, President Trump issued an executive order directing the Departments of Justice and Homeland Security to withhold federal funding from sanctuary jurisdictions. Attorney General Jeff Sessions later issued a memo carrying out the executive order through limited restrictions

that applied to certain federal law enforcement grants.

Nearly all the courts to review the issue blocked the Trump administration's denial of federal funds to sanctuary cities. The Trump administration appealed one of these cases to the Supreme Court. The Court later dismissed the case at the Biden administration's request.

Grant restrictions were not Trump's only attack on sanctuary cities. U.S. Immigration and Customs Enforcement (ICE) repeatedly targeted sanctuary jurisdictions with raids, employment audits, fines on immigrants, and a ban on New Yorkers participating in "trusted traveler" programs. Trump also threatened to withhold COVID-19 aid from sanctuary jurisdictions.

Biden rescinded the Trump executive order earlier this year. Attorney General Merrick Garland has now issued a memo ordering the Justice Department to resume grants

that were denied under the previous policy. The Department must also stop prioritizing funding for jurisdictions that cooperate with ICE. The program most affected by the policy change provides funding to local law enforcement.

Sanctuary policies come in many forms. They can include limiting information shared with ICE or denying ICE access to jails without a warrant. Another common policy is failing to comply with detainers, optional requests to hold someone past their release date until ICE comes to take them into custody.

Sanctuary policies do not prevent the federal government from enforcing immigration policy, but simply limit the extent to which local jurisdictions will help it do so. Courts have routinely held that sanctuary policies comply with federal law. Immigration law does prevent jurisdictions from limiting the sharing of a person's

immigration status. But jurisdictions can choose not to collect that information or limit the sharing of additional information.

Studies have shown that crime rates are lower and economies are stronger in jurisdictions with sanctuary policies. By eliminating the fear of immigration consequences if victims report abuse, the policies decrease domestic violence. In some cases, the policies helped lower domestic homicide rates among Hispanic women by 62%.

Ending retaliation against sanctuary cities is an important step for the Biden administration. However, local law enforcement collaboration with federal immigration enforcement continues.

The Secure Communities program requires local jurisdictions to share fingerprints with ICE. 287(g) agreements delegate some of ICE's authority to local law enforcement agencies. The Criminal Alien Program gives

ICE access to people detained in a jail to determine their immigration status.

These programs have put hundreds of thousands of immigrants on the jail-to-deportation pipeline, tearing them away from their families and communities. This type of immigration enforcement imports the racial biases of the criminal justice system on which it relies. The Biden administration should eliminate these policies.

FILED UNDER: Biden-Harris Administration, Donald Trump, Sanctuary Cities

ABOUT THE AUTHOR

Katy Murdza

Katy Murdza is the Advocacy Manager for the Immigration Justice Campaign at the American Immigration Council,

where she focuses on legal advocacy and policy related to immigration detention across the country. She previously advocated for asylum-seeking mothers and children on issues including medical care, pregnancy, family separation, and access to counsel at the Dilley Pro Bono Project. Before earning a Master's degree in International Policy and Development from the Middlebury Institute of International Studies, she assisted migrants on the U.S.-Mexico border with No More Deaths and served as a Peace Corps Volunteer in Panama.

ALSO ON **IMMIGRATION IMPACT**

16 days ago

3 days ago

17 days ago

It's Time to End Title 42

Biden's First Budget Is A Missed …

Biden Admin Revok

0 Comments Immigration Impact Login

Recommend Tweet Share Sort by Best

Start the discussion…

LOG IN WITH

OR SIGN UP WITH DISQUS ?

Name

Be the first to comment.